

**Notice of Allowability**

Application No.

10/789,839

Examiner

Tony Mahmoudi

Applicant(s)

ACTON ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 04-June-2007.
2. ☒ The allowed claim(s) is/are 1-4, 6-14, and 16-20, re-numbered as claims 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 03/08/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

***Remarks***

1. In response to the Amendment filed on 04-June-2007, claims 5 and 15 are canceled and claims 1, 8-9, 11-14, and 16-20 are amended per Applicants request. Therefore, claims 1-4, 6-14, and 16-20 are presently pending in the application, of which claims 1, 8, and 9 are presented in independent form.

***Allowance***

2. Claims 1-4, 6-14, and 16-20 are allowed over the prior art made of record.
3. The following is an examiner's statement of reasons for allowance:

Applicant's Amendment filed on 04-June-2007 overcomes the rejection previously made to claims 11-20 under 35 U.S.C. 101.

The prior art of record, do not disclose, teach, or suggest the claimed limitations (in combination with all other features in the claim) of: wherein one of the multiple parameter values received from a query is a density of sponsored product items parameter value and the density of sponsored product items parameter value is determined based of a percentage of sponsored product items in a result set that would be generated for the query for each scoring mechanism, and wherein a sponsored product item is a particular product item for which a party associated with the product is charged a fee, for each inclusion of a reference to the product item, and wherein the product item is selected from the group consisting of a merchant, a product offering, and a product abstraction, as recited in amended independent claim 1.

The prior art of record, do not disclose, teach, or suggest the claimed limitations (in combination with all other features in the claim) of: wherein the query is associated with a website and the method further comprises placing a cookie on a user's computer, determining whether the user has returned to the website based on the presence of the cookie on a user's computer, and calculating a retention parameter value for each scoring mechanism based on a percentage of users that have returned to the website within a predetermined time span after using the scoring mechanism, as recited in independent claim 8.

The prior art of record, do not disclose, teach, or suggest the claimed limitations (in combination with all other features in the claim) of: wherein the query is associated with a website and the method further comprises logging a user into a server, determining whether the user has returned to the website based on a history for the user, and calculating a retention parameter value for each scoring mechanism based on a percentage of users that have returned to the website within a predetermined time span after using the scoring mechanism, as recited in independent claim 9.

### ***Conclusion***

4. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

June 12, 2007



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